

FILED  
COURT OF APPEALS  
DIVISION II

2017 SEP 21 AM 11:11

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

In re Personal Restraint Petition of:

John Pino

Petitioner.

Case No. \_\_\_\_\_

PERSONAL RESTRAINT PETITION

If there is not enough room on this form, use other pages and write "See Attached." Fill out this entire form before you sign this form in front of a notary public (free in the law library).

A. STATUS OF PETITIONER

I, John Pino 191 Constantine Way  
(Full name and current address)

Aberdeen wa 98520

apply for relief from confinement. I am now in custody serving a sentence on conviction of a crime. I am now in custody because of a *Judgment and Sentence*.

1. The court in which I was sentenced is: Thurston County
2. I was convicted of the crime(s) of: 1<sup>st</sup> child molestation
3. I was sentenced after (check one) Trial \_\_\_\_\_ Plea of Guilty ☒ on April 23, 2009  
(Date of sentence)
4. The Judge who imposed sentence was Judge Pomeroy
5. My lawyer at trial court was Robert Jimerson  
(Name and address if known)

6. I did \_\_\_\_ did not X appeal from the decision of the trial court. If I did appeal, I appealed to: \_\_\_\_\_

\_\_\_\_\_  
(Name of court or courts to which appeal took place)

7. My lawyer for my appeal was: N/A  
(Name and address if known or write "none")

The decision of the appellate court was \_\_\_\_ was not \_\_\_\_ published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_

8. Since my conviction I have \_\_\_\_ have not \_\_\_\_ asked a court for some relief from my sentence other than I have already written above. (If the answer is "I have asked a court", the court I asked was N/A Relief was denied on  
(Name of court)

\_\_\_\_\_  
(Date of Decision or, if more than one, all dates)

(If you have answered in question 8 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was \_\_\_\_\_  
(Name and address if known)

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_

See attached brief  
\_\_\_\_\_  
\_\_\_\_\_

## B. GROUNDS FOR RELIEF:

(If I claim more than one reason for relief from confinement, I will attach sheets for each separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc.). I claim that I have 1 reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

First Ground  
(First, Second, etc.)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement):

See attached brief

2. The following facts are important when considering my case. (After each fact statement put the name of the person or person who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also)

See attached brief

3. The following reported court decisions (indicate citations) in cases similar to mine show the error I believed happened in my case:

See attached brief

4. The following statutes and constitutional provisions should be considered by the court:

See attached brief

5. This petition is the best way I know to get the relief I want, and no other way will work as well because:

See attached brief

### C. STATEMENT OF FINANCES:

I cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help me fill out this form. I have attached a certified copy of my prison finance statement (trust account).

1. I do ☒ do not ☐ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.
2. I have \$ See PLRA in my prison or institution account. (Attach *certified* six month statement of inmate trust account, available from inmate accounting.)
3. I do ☐ do not ☒ ask the court to appoint a lawyer for me.
4. I am ☐ am not ☒ employed. My salary or wages amount to \$ \_\_\_\_\_ a month. My employer is:

\_\_\_\_\_  
(Name and address of employer)

5. During the past 12 months I did ☐ did not ☐ get any money from a business, profession or other form of self-employment. (If I did, I got a total of \$ \_\_\_\_\_)
6. During the past 12 months I:  
Did ☐ did not ☐ receive any rent payments. If so, the total I received was \$ \_\_\_\_\_.  
Did ☐ did not ☐ receive any interest. If so, the total I received was \$ \_\_\_\_\_.  
Did ☐ did not ☐ receive any dividends. If so, the total I received was \$ \_\_\_\_\_.  
Did ☐ did not ☐ receive any other money. If so, the total I received was \$ \_\_\_\_\_.  
Did ☐ did not ☐ have any cash except as noted in (C)(2) above. If I do, the total cash I have is: \$ \_\_\_\_\_.  
Did ☐ did not ☐ have savings or checking account. If so, total in all accounts is \$ \_\_\_\_\_.  
Did ☐ did not ☐ own stocks, bonds, or notes. If so, their total value is \$ \_\_\_\_\_.  
7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item or property is worth and how much you owe on it. Do not list household furniture, furnishings, and clothing which you or your family own.

See  
P  
L  
R  
A

Items

Value

Items	Value

8. I am ☒ am not ☐ married. If I am, my wife or husband's name and address is:

April Pino 1904 Golf Club Rd Lacey WA  
98503

9. All of the persons who need me to support them are listed below:

Name & Address

Relationship

Age

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10. All the bills I owe are listed here:

Name & Address of creditor

Amount

State of Washington	5000 +

**D. REQUEST FOR RELIEF:**

I want this court to:

- ☐ Vacate my conviction and give me a new trial.
- ☐ Vacate my conviction and dismiss the criminal charges against me without a new trial.
- ☒ Order a RAP 16.12 Superior Court evidentiary hearing to determine the merits of each one of my claims to include any evidence not presented in the criminal trial.

☒ Other: Order Dec to comply w/ judge's  
(Please specify)  
Order re: in person contact w/  
daughters.

### E. OATH OF PETITIONER

[illegible]

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents and I affirm the contents of this petition are true and correct under penalty of perjury of the laws of the State of Washington.

Date: 9-19-17 (Sign before a Notary) \_\_\_\_\_  
(Print Name) John Pind \_\_\_\_\_  
DOC # 723342, UNIT H3A20L  
STAFFORD CREEK CORRECTION CENTER  
191 CONSTANTINE WY  
ABERDEEN WA 98520  
Graham County, United States

~~SUBSCRIBED AND SWORN to before me this~~ 1 day of July, 2020

Notary Public in and for the State of Washington  
Residing at Gray's Harbor

09/15/2017

Department of Corrections

PAGE: 01 OF 01

KFALLISON

STAFFORD CREEK CORRECTIONS CENTER

OIRPLRAR

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 02/28/2017 TO 08/31/2017**

DOC#: 0000723342

NAME: PINO JOHN

ADMIT DATE: 04/24/2009

DOB: 11/13/1970

ADMIT TIME: 12:43

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
50.77	10.15	10.52	2.10

STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
OFFICE OF CORRECTIONAL OPERATIONS  
STAFFORD CREEK CORRECTION CENTER  
CERTIFIED BY: R. dt

FILED  
COURT OF APPEALS  
DIVISION II  
2017 SEP 21 AM 11:11  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

WASHINGTON STATE COURT OF APPEALS  
DIVISION II

In re the Personal Restraint of:	No.
JOHN M. PINO, Petitioner.	PERSONAL RESTRAINT PETITION (PRP)

I. STATUS OF PETITIONER

COMES NOW JOHN M. PINO (hereinafter denoted ("Petitioner")), pro se, whom is currently confined at Stafford Creek Corrections Center (SCCC); 191 Constantine Way; Aberdeen, WA 98520. Petitioner is currently confined and in custody serving a Sentencing Reform Act (SRA) sentence of 150 months to life. The SRA term was imposed after conviction of three counts of Child Molestation in the First Degree by way of jury verdicts under Cause No. 08-1-01734-0. Judgment and Sentence (J&S) was entered in Thurston County on 23 April 2009 by Judge Christine A Pomeroy.

II. STATEMENT OF RELIEF SOUGHT

Petitioner seeks reversal of the Washington Department of Corrections' ("WDOC") arbitrary decision to ignore the sentencing Court's explicit order permitting in-person contact with his children while incarcerated.

III. FACTS PERTAINING TO GROUNDS FOR RELIEF

Petitioner was charged and pleaded guilty to three counts referenced in Part I hereinabove. During sentencing upon Petitioner's



guilty plea conviction, the sentencing Court entered three separate No Contact Orders ("NCO's") against him as it pertains to his three daughters. Exhibit ("Ex.") A, ¶2.

Petitioner thereafter began serving his term of incarceration. After approximately six years of incarceration, his daughters independently decided to start rallying the Court to lift the aforementioned NCO's so that they could have visits with Petitioner. Working in cooperation with Thurston County Prosecutor, Petitioner was returned to Thurston County Superior Court where, on 10 March 2016, Two of his daughters successfully convinced the presiding Judge to amend the original NCO's original NCO's (pertaining to them) to specifically allow in-person contact with Petitioner while he is incarcerated with WDOC so that they could visit. Ex. A ¶3. On 10 November 2016 Petitioner was again returned to the Thurston County Superior Court where his third daughter successfully convinced the presiding Judge to amend the NCO identically to the amendments of 10 March 2016 so that she, too, could have visits with Petitioner. Id., ¶4.

Two of Petitioner's children promptly made application to WDOC to visit with him, noting the amendments to the NCO's which permit in-person contact while Petitioner is incarcerated in WDOC. Notwithstanding the language of the NCO amendments, WDOC categorically denied both of Petitioner's children from visiting, adhering to the original NCO's Id., ¶5. Administrative appeals were met with the proverbial rhetoric sophistry of WDOC. This PRP follows.

#### IV. GROUNDS FOR RELIEF AND AUTHORITY

Where a prisoner in a PRP challenges a decision from which he has had "no previous of alternative avenue for obtaining state judicial review," RAP 16.4(a) requires the Petitioner to show he has been unlawfully restrained. A Petitioner is under "restraint" if he is "confined". Kozol v. DOC, 185 Wn.2d 405, 409, 373 P.3d 244 (2016). A restraint is "unlawful" if the challenged action is unconstitutional or violates the laws of the State of Washington. Id.; RAP 16.4(c)(2), (6) Administrative rules qualify as laws of the State of Washington under RAP 16.4(c)(2) and (6). In re the Personal Restraint of Cashaw, 123 Wn.2d, 138, 149 n.6, 866 P.2d 8 (1994). A prisoner may file a PRP to obtain judicial review of WDOC's compliance with the due process requirements of Federal and State Constitutions and State-law regulations. Kozol, supra at 410-11

A. Petitioner's Restraint Is Unlawful As WDOC Is Unlawfully Ignoring The Sentencing Court's Order Amending the NCO's.

No person shall be deprived of life, liberty or property without due process of law. U.S. Constitution, Fifth and Fourteenth Articles in Amendment; Washington Constitution, Article I §3. Biological parents have a fundamental liberty and privacy interest in the care, custody and management of their children. In re Dependency of J.H., 117 Wn.2d 460, 474, 815 P.2d 1380 (1991)(citing inter alia Stanely v. Illinois, 405 U.S. 645, 651 (1972)). Due process of law is not applicable unless one is being deprived of something to which he has a right. J.H. supra at 473 (citing Yanstin v. Aberdeen, 54 Wn.2d 787, 788, 345 P.2d 178 (1959)). Without question, the legal parent has a constitutional right to procedural due process when their fundamental

parenting rights are at issue. J.H., supra at 474.

A prisoner filing a PRP challenging a WDOC decision does not have to show actual and substantial prejudice in order to get relief. Cashaw, supra at 148-49. A reviewing Court will reverse a WDOC decision against a prisoner via PRP if the decision was so arbitrary and capricious as to deny the prisoner a fundamentally fair proceeding. In-re-the-Personal-Restraint-of-Grantham, 168 Wn.2d 204, 215, 227 P.3d 285 (2009)(citing In-re-the-Personal-Restraint-of-Reismiller, 101 Wn.2d 291, , 294678 P.2d 323 (1984) and Gronquist, supra at 396). A WDOC decision is arbitrary and capricious if the Petitioner was not afforded the minimal due process protections applicable in such cases. Gronquist, supra at 396 (citing In-re-the-Personal-Restraint-of-Burton, 80 Wn.App. 573, 585, 910 P.2d 1295 (1996); In-re-the-Personal-Restraint-of-Anderson, 112 Wn.2d 546, 548-49, 772 P.2d 510 (1989), cert. denied, 493 U.S. 1004 (1989)). Judging whether the decision was arbitrary and capricious requires and evaluation of the evidence produced at the hearing. Pierce-County-Sheriff-v.-Civil-Service-Commission, 98 Wn.2d 690, 695, 658 P.2d 648 (1983).

"Arbitrary and capricious action has been defined as willful unreasonable action, without consideration and in disregard of facts and circumstances. Where there is room for two options, action is not arbitrary and capricious even though one may believe an erroneous conclusion has been reached."

Civil-Service-Comm'n, supra at 695 (citing State-v.-Rowe, 93 Wn.2d 277, 284, 609 P.2d 1348 (1980)).

The right to be free from arbitrary and capricious action is itself a fundamental right, hence any arbitrary and capricious action

is subject to review. Civil Service Comm'n, supra at 693-94 (citing Williams v. Seattle School District-1, 97 Wn.2d 215, 221-22, 643 P.2d 426 (1982)).

Under this standard, the Courts always have inherent power to review agency action to the extent of assuring that it is not arbitrary and capricious. Civil Service Comm'n, supra at 694. The Court's inherent power of review extends to administrative action which is contrary to law as well as that which is arbitrary and capricious. Id. (citing William, supra at 221). An agency's violation of the rules which govern its exercise of discretion is certainly contrary to law and, just as the right to be free from arbitrary and capricious actions, the right to have the agency abide by the rules to which it is subject is also fundamental. Id. (citing Leonard v. Civil Service Comm'n, 25 Wn.App. 699, 701-02, 611 P.2d 1290 (1980); Wilson v. Nord, 23 Wn.App. 366, 373, 597 P.2d 914 (1979) cited with approval in Williams, supra at 222; Tacoma v. Civil Service Bd., 10 Wn.App. 249, 250-51, 518 P.2d 249 (1973)). The Courts thus have inherent power to review agency action to assure its compliance with applicable rules. A showing that a governmental agency failed to comply with its own regulations is sufficient to establish that one is entitled to relief under RAP 16.4. In re the Personal Restraint of Lopez, 126 Wn.App. 891, 894-95, 110 P.3d 764 (2005) (citing Cashaw supra at 147-48).

Here the trial Court initially ordered that Petitioner have no in-person contact with his children. Ex. A, ¶2. However, on 10 March 2016 the NCO was amended as to two of Petitioner's children. Id., ¶3.

Specifically, the amendments provide: "[T]he only exception is for the [Petitioner] to have in person contact while he is incarcerated with the Department of Corrections." Id. On 10 November 2016 the NCO against Petitioner's third child was likewise amended, and such amendment mirrors the language of the first two amendments of 10 March 2016. Id. ¶4.

Despite the sentencing Court's clear and unambiguous language in all three orders amending the original NCO, WDOC refuses to allow Petitioner to have in-person contact visits with his children. Id. ¶5. In particular, WDOC is adhering to the original NCO's and utilizing inapplicable policy advisory-statement to deprive Petitioner of his constitutional secured right to have in-person contact with his children--trial Court's amendments to said original NCO's notwithstanding. Id.

Because Petitioner is a biological parent to his children, he has a constitutional right to procedural due process when his parenting rights are at issue. Stanley, supra at 651; J.H., supra at 474. Because WDOC's actions of denying Petitioner's in-person contact with his children id "willful unreasoning action, [and is] without consideration and in disregard of facts and circumstances" that the trial Court specifically excepts the NCO's to permit Petitioner such in-person contact, WDOC's actions are arbitrary, capricious, and unconstitutional. Civic Service Comm'n, supra at 695; Stanley, supra at 651. Based upon the forgoing, WDOC's actions of denying Petitioner in-person contact with his children is and arbitrary and capricious agency action, which also amounts to a deprivation of Petitioner's


fundamental rights to be a parent to his children (as secured by the due process clause of the Federal and State Constitutions), AND which further amounts to the WDOC contravening the common law holding announced against them in Dress.v. DOC, 168 Wn.App. 319, 279 P.3d 875 (2012), i.e. that WDOC does not have the authority to ignore a final J&S, even if they believe it to be erroneous. Dress at 328. WDOC's actions for denying Petitioner to have in-person contact with his children should be reversed in this instance.

#### V. CONCLUSION

Petitioner's final J&S entails the NCO amendments at issue here which specifically except in-person contact between Petitioner and his daughters while he is incarcerated in WDOC. WDOC is ignoring this provision of Petitioner's final J&S by their refusal to permit in-person contact visits with his daughters. By their refusal WDOC is unlawfully, arbitrarily and capriciously violating Petitioner's fundamental right to be a parent to his biological children.

Based on the forgoing, This Court should reverse WDOC's administrative action of denying Petitioner's visits with his daughters. Petitioner respectfully requests so.

Respectfully submitted this 19 of September 2017.

  
-----  
John M. Pino, Pro Se  
SCCC, H3A20L, #723342  
191 Constantine Way  
Aberdeen, Washington 98520

COURT OF APPEALS FOR THE STATE OF WASHINGTON  
IN AND FOR DIVISION II

In re the Personal Restraint of:

No.

AFFIDAVIT IN SUPPORT OF

JOHN M. PINO,

PERSONAL RESTRAINT PETITION  
(PRP)

Petitioner.

Washington State )

Grays Harbor County )

ss. AFFIDAVIT OF JOHN M. PINO

COMES NOW JOHN M. PINO, being first duly sworn on oath, deposes  
and states:

1) That I am the affiant herein, am over the age of majority, am  
mentally competent to state the facts stated herein and make such  
testimony based upon personal knowledge and public records unless  
otherwise stated.

2) That attached hereto as Exhibit (Ex.) 1 is a certified copy of  
the original No-Contact Order (NCO) entered in Thurston County  
Superior Court No. 08-1-01734-0, dated 23 April 2009.

3) That attached hereto as Ex.s 2 & 3 are certified copies of the  
Amendments to the NCOs referenced in ¶2 hereinabove, dated 10 March  
2016. The amendments read, in pertinent part: "[T]he only exception is  
for the defendant to have in person contact while he is incarcerated  
with the Department of Corrections."

Exhibit A

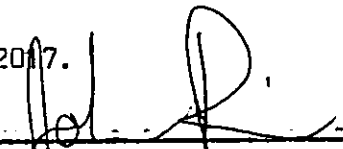
4) That attached hereto as Ex. 4 is as certified copy of the Amendment to the NCOs referenced in ¶2 hereinabove, dated 10 November 2016. The Amendment reads, in pertinent part: "[T]he only exception is for the defendant to have in person contact while he is incarcerated with the Department of Corrections."

5) That attached hereto as Ex.s 5, 6, & 7 are certified copies of the Washington Department of Corrections denials of visitation applications as it relates to the NCOs referenced in ¶2 hereinabove.

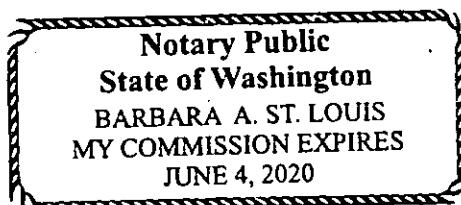
6) That further your affiant sayeth naught!

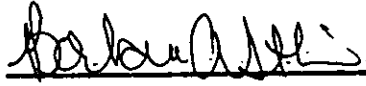
I certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge.

Signed this 19 day of September 2017.

  
JOHN M. PINO, Pro Se  
SCCC, H3A020L, #723342  
191 Constantine Way  
Aberdeen, Washington 98520

IN WITNESS WHEREOF JOHN M. PINO did appear before me with valid Washington State picture identification on this 19<sup>th</sup> day of September 2017 and, being first duly sworn on oath, did certify, attest and subscribe to this instrument as to the matters and purposes set forth herein, to the best of his knowledge.



  
NOTARY PUBLIC in and for  
the State of Washington,  
residing in Cashmere County  
My commission expires 6-4-20.



15

FILED  
SUPERIOR COURT  
THURSTON

09 APR 23 AM 1:59

*Certified  
COPY*

SUPERIOR COURT OF WASHINGTON  
COUNTY OF THURSTON

STATE OF WASHINGTON, Plaintiff,

vs.

JOHN MILTON PINO,

Defendant.

No. 08-1-01734-0

FELONY JUDGMENT AND SENTENCE (FJS)

☒ Prison ~~RCW 9.94A.712~~ Prison Confinement  
☐ Jail One Year or Less ~~RCW 9.94A.712~~ Prison  
Confinement

☐ First-Time Offender

☐ Special Sexual Offender Sentencing Alternative

☐ Special Drug Offender Sentencing Alternative

☐ Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3,  
5.6 and 5.8

SID: WA14530016

If no SID, use DOB: 11/13/1970

PCN: 766972314 BOOKING NO. C0153320

I. HEARING

1.1 A sentencing hearing was held on April 23, 2009 and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on April 23, 2009  
by ~~X~~ plea ☐ jury-verdict ☐ bench trial of *MAR 24 10 (12)*

COUNT	CRIME	RCW	DATE OF CRIME
I.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	SEPTEMBER 20, 2008
II.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	On or between OCTOBER 24, 2001 and OCTOBER 24, 2004
III.	CHILD MOLESTATION IN THE FIRST DEGREE	9A.44.083	On or between OCTOBER 1, 2001 and DECEMBER 31, 2001

(If the crime is a drug offense, include the type of drug in the second column.)  
as charged in the (FIRST AMENDED) Information.

☐ Additional current offenses are attached in Appendix 2.1.

☐ A special verdict/finding that the offense was predatory was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_.

☐ A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_.

☐ A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A. \_\_\_\_\_, 9A.44.010.

☐ A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.

FELONY JUDGMENT AND SENTENCE (FJS)  
(RCW 9.94A.500, .505)(WPF CR 84.0400 (6/2005))

09-9-10823-7

Page 1

COPY TO PROSECUTING ATTORNEY

*Exhibit 1*

COPY TO DOC

- ☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- ☐ A special verdict/finding for use of firearm was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) \_\_\_\_\_. RCW 9.94A.602, 9.94A.533.
- ☐ A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- ☐ A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_. RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- ☐ The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- ☐ This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- ☐ The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- ☐ The crime charged in Count(s) \_\_\_\_\_ involve(s) domestic violence.
- ☐ Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.539):
- ☒ None of the current offenses constitute same criminal conduct.
- ☐ Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

## 2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 Burglary 1 <sup>st</sup> degree	7-13-94	Kitsap, Washington	5-20-94	A	Class A Violent
2 Reckless Endangerment 1 <sup>st</sup> degree - WASHES for SRA purposes	4-13-94	Kitsap, Washington	1-25-94	A	Class C
3					
4					
5					

- ☐ Additional criminal history is attached in Appendix 2.2.
- ☐ The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- ☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

☒ None of the prior convictions constitutes same criminal conduct.

☐ The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS*	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
1	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE
2	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE
3	8	X	129-171 Mo. TO LIFE	—	129-171 Mo. TO LIFE	LIFE

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8).

☐ Additional current offense sentencing data is attached in Appendix 2.3.

2.4 ☐ EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) \_\_\_\_\_.

☐ above the standard range for Count(s) \_\_\_\_\_.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows: \_\_\_\_\_

### III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

3.2 ☐ The court DISMISSES Counts \_\_\_\_\_ ☐ The defendant is found NOT GUILTY of Counts \_\_\_\_\_

# IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court:

JASS CODE

\$ RESERVED Restitution to: S.J.P.

RTN/RJN

\$ RESERVED Restitution to: A.L.P.

\$ RESERVED Restitution to: S.M.P.

(Name and Address—address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV

\$ 500.00 Victim assessment RCW 7.68.035

\$ Domestic Violence assessment RCW 10.99.080

CRC

\$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200- FRC

Witness costs \$ WFR

Sheriff service fees \$ SFR/SFS/SFW/WRF

Jury demand fee \$ JFR

Extradition costs \$ EXT

Other \$

PUB

\$ Fees for court appointed attorney RCW 9.94A.760

WFR

\$ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTN

\$ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/ICD  
NTF/SAD/SDI

\$ Drug enforcement fund of RCW 9.94A.760

CLF

\$ Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to hardship RCW 43.43.7541

RTN/RJN

\$ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ Other costs for:

\$ 800- TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[ ] is scheduled for

[ ] RESTITUTION. Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant

CAUSE NUMBER

(Victim's name)

(Amount-\$)

RJN

[X] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 257 per month commencing PER CLO. RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

[ ] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☒ HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with SEE SAPD X 3 (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence).

☒ Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

[ ] The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_, for the cost of pretrial electronic monitoring, in the amount of \$ \_\_\_\_\_.

4.4 OTHER: \_\_\_\_\_

ALL CONDITIONS OF APPENDIX H ARE

ATTACHED AND INCORPORATED HEREIN BY

REFERENCE.

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

- (a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

000 months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
45 months on Count \_\_\_\_\_ months on Count \_\_\_\_\_  
(b) months on Count \_\_\_\_\_ months on Count \_\_\_\_\_

Actual number of months of total confinement ordered is: 150 MONTHS TO LIFE  
(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above.)

[ ] The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \*SEE 4.5(b)

NON-FELONY COUNTS:

Sentence on counts \_\_\_\_\_ is/are suspended for \_\_\_\_\_  
months on the condition that the defendant comply with all requirements outlined in the supervision section of this sentence.

\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_  
\_\_\_\_\_ days of jail are suspended on Count \_\_\_\_\_

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: \_\_\_\_\_

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

- (b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count <u>1</u>	minimum term	<u>150 MONTHS</u>	maximum term	<u>LIFE</u>
Count <u>2</u>	minimum term	<u>150 MONTHS</u>	maximum term	<u>LIFE</u>
Count <u>3</u>	minimum term	<u>150 MONTHS</u>	maximum term	<u>LIFE</u>

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: \_\_\_\_\_

4.6 [ ] COMMUNITY PLACEMENT is ordered as follows: Count \_\_\_\_\_ for \_\_\_\_\_ months;  
Count \_\_\_\_\_ for \_\_\_\_\_ months; Count \_\_\_\_\_ for \_\_\_\_\_ months.

☒ COMMUNITY CUSTODY for count(s) 1, 2, 3, sentenced under RCW 9.94A.712, is ordered  
for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

☐ COMMUNITY CUSTODY is ordered as follows:

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;  
Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] STATUTORY LIMIT ON SENTENCE. Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers.		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement. RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

☒ The defendant shall not consume any alcohol.

☒ Defendant shall have no contact with: VICTIMS

☐ Defendant shall remain ☐ within ☐ outside of a specified geographical boundary, to wit: \_\_\_\_\_

☒ Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

☒ The defendant shall participate in the following crime-related treatment or counseling services: \_\_\_\_\_

SEXUAL DEVIANCY COGNITIVE TREATMENT  
☒ The defendant shall undergo an evaluation for treatment for ☐ domestic violence ☒ substance abuse  
☒ mental health ☐ anger management and fully comply with all recommended treatment.

☒ The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

APPENDIX H

☒ Other conditions:

APPENDIX H

☐ For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

- 4.7 ☐ **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.
- 4.8 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: \_\_\_\_\_

#### V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations — unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**  
☐ Defendant waives any right to be present at any restitution hearing (sign initials): \_\_\_\_\_
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off if not applicable:

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION.** RCW 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. Offenders Who Leave the State and Return: If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington,



or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. **Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. **Additional Requirements Upon Moving to Another State:** If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. **Registration by a Person Who Does Not Have a Fixed Residence:** Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

7. **Reporting Requirements for Persons Who Are Risk Level II or III:** If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. **Application for a Name Change:** If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

- 5.8 ☐ The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.
- 5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: April 23, 2009

Chris Pomeroy  
Judge/Print name:

**Christine A. Pomeroy**

John C. Skinder  
Deputy Prosecuting Attorney

WSBA No. 26224

Print name: JOHN C. SKINDER

Robert W. Jimerson  
Attorney for Defendant

WSBA No. 26363

Print name: ROBERT W.  
JIMERSON

John Milton Pino  
Defendant

Print name: JOHN MILTON PINO

**VOTING RIGHTS STATEMENT:** RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.560.

Defendant's signature: John Milton Pino

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the \_\_\_\_\_ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.  
Interpreter signature/Print name: \_\_\_\_\_

I, \_\_\_\_\_, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: \_\_\_\_\_

Clerk of the Court of said county and state, by: \_\_\_\_\_, Deputy Clerk

# IDENTIFICATION OF DEFENDANT

SID No. WA14530016

(If no SID take fingerprint card for State Patrol)

Date of Birth 11/13/1970

FBI No. 400040VA0

Local ID No. \_\_\_\_\_

PCN No. 766972314

Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

Race:

☐ Asian/Pacific  
Islander

☐ Black/African-American

☐ Caucasian

Ethnicity:

☐ Hispanic

Sex:

☐ Male

☐ Native American

☐ Other: \_\_\_\_\_

☐ Non-Hispanic

☐ Female

FINGERPRINTS: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Se Se Dated: 04-23-09

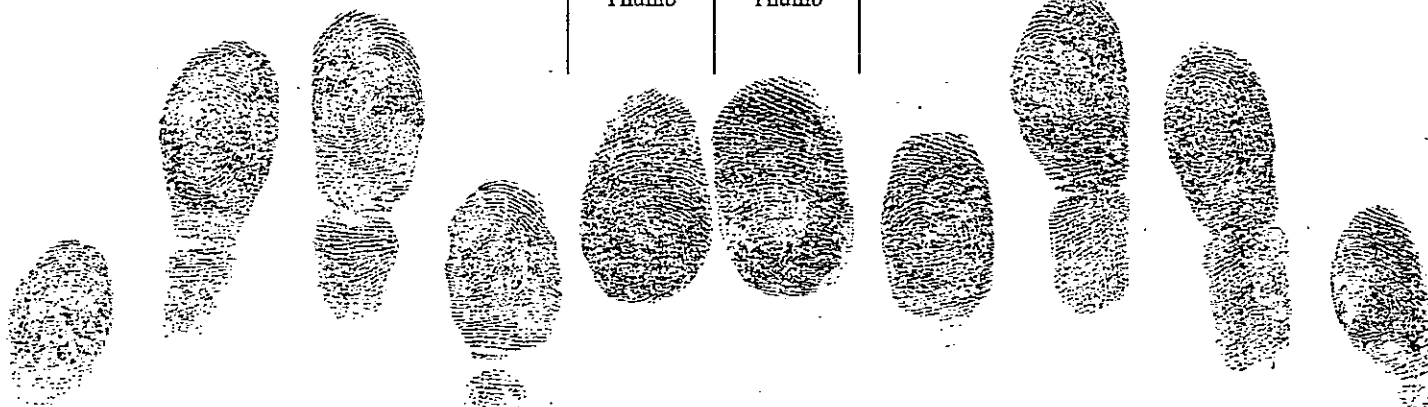
DEFENDANT'S SIGNATURE: [Signature]

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON

NO. 08-1-01734-0

Plaintiff,

vs.

WARRANT OF COMMITMENT ATTACHMENT TO  
JUDGMENT AND SENTENCE (PRISON)

JOHN MILTON PINO,

Defendant.

DOB: 11/13/1970  
SID: WA14530016 FBI: 400040VA0  
PCN: 766972314  
RACE: W  
SEX: M  
BOOKING NO: C0153320

THE STATE OF WASHINGTON TO:

The Sheriff of Thurston County and to the proper officer of the Department of Corrections.

The defendant JOHN MILTON PINO has been convicted in the Superior Court of the State of Washington for the crimes of:

**CHILD MOLESTATION IN THE FIRST DEGREE (3 CNTS.)**

and the court has ordered that the defendant be sentenced to a term of imprisonment as set forth in the Judgment and Sentence.

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

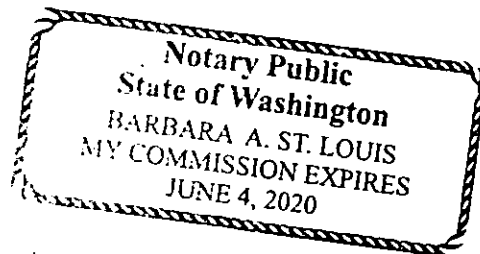
YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

By direction of the Honorable:

**Christine A. Pomeroy**

BETTY J. GOULD  
CLERK

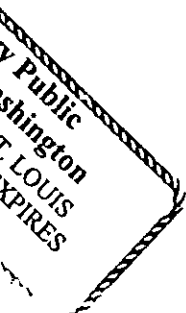
By:   
DEPUTY CLERK



This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis



Certified  
Copy

Superior Court Of Washington

County Of Thurston

State Of Washington, Plaintiff,

v:

Defendant.

SID:

If no SID, use DOB:

No.

Sexual Assault Protection Order

(Criminal)

(ORSXP)

(JIS order code: SXP)

☐ Pretrial

☒ Post conviction

☒ Clerk's action required

1. The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined in RCW 9A.04.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.

2. This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

(Write protected person's name or if minor you may use initials and DOB. RCW 7.69A.030, 10.52.100, 10.97.130.)

**It Is Ordered:**

**This Pretrial Sexual Assault Protection Order Expires on**

**This Post Conviction Sexual Assault Protection Order Expires on**

(A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.

B. Knowingly coming within or knowingly remaining within (distance) of the protected person(s) ☒ residence ☒ school ☒ place of employment ☒ other:

C. ☐ (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

☒ (Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

**Warnings to the Defendant:** Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Exhibit 2

Cause No.: \_\_\_\_\_

~~(Pretrial order for crimes not defined as serious offenses in RCW 9A.010)~~

**It Is Further Ordered:**

☐ Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

☒ The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

\_\_\_\_\_ [name/law enforcement agency].

The pretrial orders for crimes not defined as serious offenses in RCW 9A.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9A.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

The court determines that the defendant's relationship to a person protected by this order is: ☐ current or former spouse ☐ parent of a common child ☐ current or former cohabitant as intimate partner ☐ current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: \_\_\_\_\_ ☒ County Sheriff's Office ☐ Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: \_\_\_\_\_

**Judge** \_\_\_\_\_

Deputy Prosecuting Attorney  
WSBA No. \_\_\_\_\_  
Print or Type Name: \_\_\_\_\_

Attorney for Defendant  
WSBA No. \_\_\_\_\_  
Print or Type Name: \_\_\_\_\_

Defendant  
Print or Type Name: \_\_\_\_\_

A Law Enforcement Information Sheet (LEIS) must be completed.

Notary Public  
State of Washington  
BARBARA A. ST. LOUIS  
MY COMMISSION EXPIRES  
JUNE 4, 2020

This document is certified to be a true and  
accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis



1  
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7 **Superior Court Of Washington**  
8 **County Of Thurston**  
9 **State Of Washington, Plaintiff,**

No. 18-1-0174-0

**Sexual Assault Protection Order**  
(Criminal)  
(ORSXP)  
(JIS order code: SXP)

10 v. William R. Pina  
11 Defendant.

12 SID:

13 If no SID, use DOB: 11/12/1975

☐ Pretrial  
☒ Post conviction  
☒ Clerk's action required

14 1. The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined  
15 in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that  
16 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an  
17 offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.

18 2. This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

19 William R. Pina (02/10/17)  
20 (Write protected person's name or if minor you may use initials and DOB. RCW 7.69A.030, 10.52.100, 10.97.130.)

21 **It Is Ordered:**

22 **This Pretrial Sexual Assault Protection Order Expires on** \_\_\_\_\_

23 **This Post Conviction Sexual Assault Protection Order Expires on** 12/11/2018

24 (A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect  
25 for a period of two years following the expiration of any sentence of imprisonment and subsequent period of  
26 community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.

B. Knowingly coming within or knowingly remaining within 100 feet (distance) of the protected person's ☒ residence ☐ school ☐ place of employment ☒ other: the city of Everett, WA

the defendant is to have no contact with the protected person

C. ☐ (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

☒ (Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

**Warnings to the Defendant:** Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Certified Copy  
Exhibit 3

Cause No.: 11-01734-0

(Pretrial order for crimes not defined as serious offenses in RCW 9A.010)

**It Is Further Ordered:**

☒ Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

☒ The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

Thurston County Sheriff's Office [name/law enforcement agency].

The pretrial orders for crimes not defined as serious offenses in RCW 9A.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9A.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

The court determines that the defendant's relationship to a person protected by this order is: ☐ current or former spouse ☐ parent of a common child ☐ current or former cohabitant as intimate partner ☐ current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: Thurston County Sheriff's Office ☒ County Sheriff's Office ☐ Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: 11-16-2016

[Signature]  
Judge

[Signature]  
Deputy Prosecuting Attorney

[Signature]  
Attorney for Defendant

[Signature]  
Defendant

WSBA No. 11-01734-0

WSBA No. 11-01734-0

Print or Type Name:

Print or Type Name: [Signature]

Print or Type Name: [Signature]

A Law Enforcement Information Sheet (LEIS) must be completed.

This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis

Notary Public  
State of Washington  
BARBARA A. ST. LOUIS  
MY COMMISSION EXPIRES  
JUNE 4, 2020

Certified  
Copy

Superior Court Of Washington  
County Of Thurston  
State Of Washington, Plaintiff,

No.

**Sexual Assault Protection Order**  
(Criminal)  
(ORSXP)  
(JIS order code: SXP)

v.

Defendant.

SID: \_\_\_\_\_  
If no SID, use DOB: \_\_\_\_\_

☐ Pretrial  
☐ Post conviction  
☐ Clerk's action required

1. The court finds that the defendant has been charged with, arrested for, or convicted of, a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030. Additional findings on page two.

2. This Sexual Assault Protection Order is entered pursuant to Laws of 2006, ch. 138 §16. This order protects:

(Write protected person's name or if minor you may use initials and DOB, RCW 7.69A.030, 10.52.100, 10.97.130.)

**It Is Ordered:**

**This Pretrial Sexual Assault Protection Order Expires on** \_\_\_\_\_

**This Post Conviction Sexual Assault Protection Order Expires on** \_\_\_\_\_

(A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.)

Defendant is **Restrained** from:

A. Having any contact with the protected person(s) directly, indirectly, or through third parties, regardless of whether those third parties know of the order.

B. Knowingly coming within or knowingly remaining within \_\_\_\_\_ (distance) of the protected person's (s) ☐ residence ☐ school ☐ place of employment ☐ other: \_\_\_\_\_

C. ☐ (Pretrial, crimes defined as serious offenses) Obtaining, owning, possessing or controlling a firearm.

☐ (Convictions) Obtaining, owning, possessing or controlling a firearm.

Additional orders on page two

**Warnings to the Defendant:** Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Exhibit 4

Cause No.: \_\_\_\_\_

~~(Pretrial order for crimes not defined as serious offenses in RCW 9A.010)~~

**It Is Further Ordered:**

[ ] Defendant is **Prohibited** from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

[ ] The defendant shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license to:

\_\_\_\_\_ [name/law enforcement agency].

The pretrial orders for crimes not defined as serious offenses in RCW 9A.010 are based upon the court's finding that possession of a firearm or other dangerous weapon by the defendant presents a serious and imminent threat to public health or safety or to the health or safety of any individual RCW 9A.800(4).

This order is issued in accordance with Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

The court determines that the defendant's relationship to a person protected by this order is: ☐ current or former spouse ☐ parent of a common child ☐ current or former cohabitant as intimate partner ☐ current or former dating partner. Therefore, 18 U.S.C. §§ 2261 (federal violation penalties) may apply to this order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to: \_\_\_\_\_ [ ] County Sheriff's Office [ ] Police Department **Where the Case is Filed**, which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Done in Open Court in the presence of the defendant this date: \_\_\_\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Deputy Prosecuting Attorney

WSBA No.

Print or Type Name: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

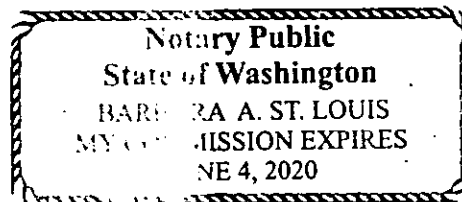
WSBA No.

Print or Type Name: \_\_\_\_\_

\_\_\_\_\_  
Defendant

Print or Type Name: \_\_\_\_\_

A Law-Enforcement-Information Sheet (LEIS) must be completed.



This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: B. St. Louis



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
P.O. Box 41100 • Olympia, Washington 98504

*Certified  
Copy*

January 6, 2017

Shania Pino  
[pinoshania@gmail.com](mailto:pinoshaniam@gmail.com)

Dear Ms. Shania Pino:

Thank you for submitting an application to participate in the Visit program with John Pino, DOC 723342. Unfortunately, at this time we are unable to approve your application for the following reason:

- ☐ Due to your criminal history, it is too soon for you to apply per DOC Policy 450.300.
- ☐ Our research found unresolved criminal history.
- ☐ You provided false or misleading information on your application.
- ☒ Other: Our records indicate you are a minor aged victim of John Pino 723342 for which he is incarcerated, case #081017340. Per DOC Policy 450.300, minor aged victims of the offender may not visit prison offenders unless they have written approval from the Children's Administration and/or sentencing court, the Superintendent, and the appropriate Deputy Director/designee.

When the above noted issue has been resolved, you may re-apply for visit privileges by resubmitting an electronic visit application through our website at [www.doc.wa.gov](http://www.doc.wa.gov).

If you believe this denial is in error, you may submit a written appeal explaining the circumstances. Forward your appeal using either the mailing or email address listed below:

Statewide Visit Specialist  
Post Office Box 41118  
Olympia, Washington 98504-1118

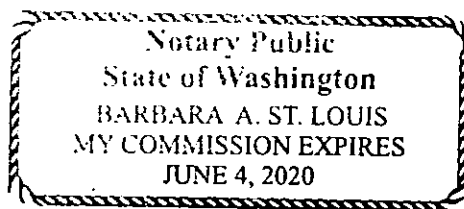
Email: [DOChqvisitunit@doc1.wa.gov](mailto:DOChqvisitunit@doc1.wa.gov)

Sincerely,  
Visiting Unit  
Prisons Division

en

cc: Offender file 723342

*Exhibit 5*

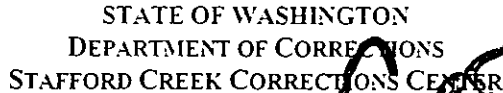


This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis





INGTON  
RECTIONS  
CTIONS CENTER  
Washington 20520 (360) 537-1800

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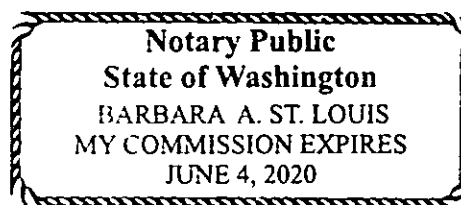
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Exhibit 6



This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
STAFFORD CREEK CORRECTIONS CENTER  
191 Constantine Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 537-1800  
Fax (360) 537-1807

*Certified  
Copy*

July 20, 2016

Ariel Pino  
1904 Golf Club Rd  
Lacey WA 98513

FROM: SCCC Visit Department

RE: Visitation with John Pino #723342

Your application to visit at Stafford Creek Corrections Center has been denied for the following reason:

There is an active "no-contact" order. Victims of the offender are not allowed to visit.

DOC Policy 450.050 Prohibited Contact, Part 1: Criteria, Item A3

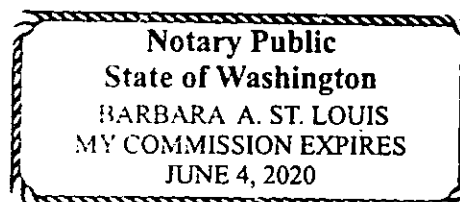
A. Offenders' contact with specific individuals or classes of individuals will be restricted or disallowed when:

3. There is an active court order of "no-contact" with an individual.

If you wish to appeal this decision, submit an appeal in writing to Superintendent Gilbert. The letter should state the circumstances surrounding the denial and the reason why visiting privileges should be granted. You will need to include with the letter any supporting documentation, i.e., court documents, or letters. All supporting documentation submitted should be a notarized true copy or the original document.

Respectfully,  
Visitation Department  
Stafford Creek Corrections Center

*Exhibit 7*



This document is certified to be a true and accurate copy as to the original.

Date: 9-19-17

Sign: Barbara St. Louis